

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUAN HERNANDEZ, DEQUAN §
KIRKWOOD, MANUEL TREVINO, and §
KENT WHEATFALL, on behalf of §
themselves and all other similarly situated, §
Plaintiffs, §
v. § CIVIL ACTION NO. 4:16-cv-03577
§
THE CITY OF HOUSTON, TEXAS, §
Defendant. §

AGREED MOTION FOR ENTRY OF PROTECTIVE ORDER

TO THE HONORABLE JUDGE KENNETH HOYT:

Defendant City of Houston (the “City”) files this agreed motion for entry of a [proposed] protective order, attached as Exhibit A. The Plaintiffs have requested in discovery from Defendant City of Houston unredacted copies of internal Houston Police Department files that may contain confidential personal information.

Section 143.1214(b) of the Local Government Code does not allow for the release of information contained in or pertaining to Internal Affairs investigatory files. Section 143.1214(b) states in pertinent part:

The department shall maintain an investigatory document that relates to a disciplinary action against a firefighter or police officer that was overturned on appeal, or any document in the possession of the department that relates to a charge of misconduct against a firefighter or police officer ... only in a file created by the department for the department's use.

Additionally, the Texas Code of Criminal Procedure has put into place procedures to protect the identity of victims of sexual assault, including their names, addresses, and/or contact information. Tex. Crim. Proc. Code Ann. art. 57.01, *et. seq.* During the course of discovery, Plaintiffs will likely be entitled to information regarding the criminal defendants who are charged

with crimes involving victims of sexual assault and/or minors. The City therefore seeks a protective order encompassing the Internal Affairs Division files described above, protected sexual assault victim information as described above, and the names of minors who are identified as crime victims, along with any other personal contact information for victims or witnesses described in any produced documents.

WHEREFORE, for the foregoing reasons, the parties respectfully request that this Court enter the agreed protective order attached as Exhibit A.

Dated: July __, 2017

Respectfully Submitted,

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Chief Labor, Employment and Civil Rights

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Dated: July __, 2017

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